

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ESTATE OF ROGER D. :
OWENSBY JR., et al., :
:
Plaintiffs, :
vs. : Case No. 01-CV-769
: (Judge S. A. Spiegel)
CITY OF CINCINNATI, :
et al., :
:
Defendants. :

Deposition of DONNA MARIE TODD, a witness
herein, called by the defendants for cross-
examination, pursuant to the Federal Rules of Civil
Procedure, taken before me, Wendy Davies Welsh, a
Registered Diplomate Reporter and Notary Public in
and for the State of Ohio, at the offices of Helmer,
Martins & Morgan Co. LPA, 1900 Fourth & Walnut
Centre, 105 East Fourth Street, Cincinnati, Ohio, on
Friday, November 21, 2003, at 12:59 p.m.

Owensby, et al vs. City of Cincinnati, et al.

November 21, 2003

	Page 6		Page 8
1	Q. Are you currently married?	1	A. No.
2	A. No.	2	Q. Did you ever live with Roger, or Andre, together?
3	Q. Have you ever been married?	3	A. Yeah.
4	A. No.	5	Q. From when to when?
5	Q. You are the mother of Myiesha; is that	6	A. '90, 1990 to, I don't know, '91.
6	right?	7	Q. Where was that? What was the address that
7	A. Yes.	8	you lived at?
8	Q. And let me just ask a couple questions	9	A. I don't remember his mother's address.
9	about that. Myiesha was born 8/20/90, right?	10	Q. Is that where you lived?
10	A. No.	11	A. Right.
11	Q. When was Myiesha born?	12	Q. So you lived at his mother's address for a
12	A. 8/20/91.	13	period of time?
13	Q. Okay. So how old is Myiesha currently?	14	A. Yes.
14	A. 12.	15	Q. Was that before or after you became
15	Q. Have you had any other children other than	16	pregnant?
16	Myiesha?	17	A. While I was pregnant.
17	A. Yes.	18	Q. Where was Myiesha born, what hospital?
18	Q. Could you give me their name or names and	19	A. Good Samaritan.
19	ages.	20	Q. When Myiesha was born, did Roger
20	A. Darius Todd. He's 13.	21	acknowledge paternity, that he was the father?
21	Q. Have you ever been married?	22	A. Yes.
22	A. No.	23	Q. Is Roger's name on the birth certificate
23	Q. Darius, does he live with you?	24	as being the father?
24	A. Yes.		
	Page 7		Page 9
1	Q. And are you raising him?	1	A. Yes.
2	A. Yes.	2	Q. Now, after Myiesha was born did you ever
3	Q. Do you live by yourself with your	3	go to court to get any kind of a support order?
4	children?	4	A. Mean --
5	A. Yes.	5	Q. Well, was there or is there an order of
6	Q. Let me ask you a little bit about Myiesha.	6	support where, after Roger acknowledged the fact
7	Did you ever live with -- I'll say Roger Junior?	7	that he was the father, he had to pay support every
8	Did you have a nickname for him?	8	month for the care of Myiesha? Did that ever
9	A. I just call him Andre.	9	happen?
10	Q. You called Roger Junior Andre?	10	A. Yes.
11	A. Uh-huh.	11	Q. Did that happen right after Myiesha was
12	Q. Why? Was that your nickname for him?	12	born?
13	A. No. That's his middle name.	13	A. No.
14	Q. All right. Did he have any other	14	Q. When did that first happen?
15	nicknames that you knew about?	15	A. I can't remember when it first happened.
16	A. No.	16	Q. Was it when Roger was in the military?
17	Q. Little Bit? Did you ever hear that	17	A. Yeah.
18	nickname?	18	Q. Did it happen before Roger was in the
19	A. I heard it.	19	military?
20	Q. Where did you hear it?	20	A. Probably right before.
21	A. His mother.	21	Q. Did the support payments come from the
22	Q. What about LA? Ever hear of that one?	22	military or did they come from the Bureau of
23	A. No.	23	Support?
24	Q. Never?	24	Let me ask the question differently. Did

Page 6 - Page 9

Owensby, et al vs. City of Cincinnati, et al.

November 21, 2003

Page 10

Page 12

1 they come from the military through the Bureau of
 2 Support?

3 MR. MARTINS: Objection.

4 Answer if you can.

5 Q. Where did the support payments come from?
 6 Did they come from the military? Did you get a
 7 military check for support?

8 A. I don't know what -- I received a child
 9 support check.

10 Q. From who?

11 A. From Andre.

12 Q. Who wrote the check?

13 A. Who wrote it?

14 Q. Who wrote it.

15 MR. FREUND: The record should reflect the
 16 witness is looking at me like I'm nuts.

17 Q. I'm really not trying to be tricky here.

18 A. I'm not looking at you like that.

19 (Laughter.)

20 Q. Was it a personal check from Andre?

21 A. No, it wasn't a personal check.

22 Q. Who did it come from?

23 A. Child support check, I guess.

24 Q. How much was it?

1 you got, copies of the old checks, anything like
 2 that?

3 A. No.

4 Q. Any old check stubs?

5 A. No.

6 MR. FREUND: Let's go off the record for
 7 one second.

8 (Discussion off the record.)

9 Q. Tell me how much child support Roger paid
 10 after he got out of the military and up to the time
 11 of his death.

12 MR. MARTINS: Objection. Clarify what you
 13 mean by child support.

14 MR. FREUND: Support for Myiesha.

15 MR. MARTINS: You may answer.

16 A. Are you speaking just through checks or
 17 just in general?

18 Q. Well, let's try checks first, and then if
 19 he didn't pay in checks, we'll try cash.

20 A. Well, to either question I couldn't tell
 21 you the amount, because I don't remember.

22 Q. All right. Let's try: Did he ever pay
 23 you with checks?

24 A. Personal checks?

Page 11

Page 13

1 A. I don't remember.

2 Q. I mean, were you getting child support
 3 checks when Roger died?

4 A. No.

5 Q. Up to the time that he died?

6 A. No.

7 Q. When did the child support checks stop?

8 When he got out of the military?

9 A. Yeah.

10 Q. Can you tell me what the monthly check
 11 amount was?

12 A. I don't remember.

13 Q. Well, try. I mean, was it \$100 or \$200
 14 or --

15 MR. MARTINS: Objection. Asked and
 16 answered.

17 Q. You don't have any idea how much it was,
 18 is that your answer?

19 A. I don't remember.

20 Q. How could we figure out how much it was?
 21 How would you go about figuring out how much it was,
 22 to refresh your recollection?

23 MR. MARTINS: Objection.

24 Q. Do you have any of those old checks that

1 Q. Yes, personal checks.

2 A. No, not personal checks, no.

3 Q. Did he always pay child support with cash?

4 A. After -- after he was out of the military?

5 Q. After he was out of the military.

6 A. He gave me money in cash.

7 Q. How much money did he give you in cash?

8 A. I don't remember that.

9 Q. You don't have a clue?

10 A. I have -- no.

11 Q. Can you give me an estimate of how much
 12 money he would give you in a month in cash for child
 13 support of Myiesha, or support of Myiesha?

14 A. No, not offhand I can't.

15 Q. You can't even give me a reasonable
 16 estimate?

17 MR. MARTINS: Objection. Asked and
 18 answered.

19 Q. No?

20 A. No.

21 Q. Did he buy any diapers and things like
 22 that?

23 A. Yes.

24 Q. When he got out of the military, how old

November 21, 2003

Page 14

1 was Myiesha?
 2 A. Around six or seven.
 3 Q. As you sit here, Donna, and you think
 4 about it, is there anything that we can look at that
 5 would tell us how much money either per month or per
 6 week that Roger Junior would pay for the care of
 7 Myiesha from 1998 when he got out until he died?
 8 A. No.
 9 Q. Did he give you money for yourself after
 10 he got out of the military?
 11 A. No.
 12 Q. Do you have a job?
 13 A. Yes.
 14 Q. Where do you work?
 15 A. Provident Bank.
 16 Q. What do you do?
 17 A. I work in the lock box department,
 18 wholesale.
 19 Q. How long have you worked for Provident?
 20 A. Two and a half years.
 21 Q. So you would have started at Provident in
 22 2000?
 23 A. Yes.
 24 Q. When in 2000?

Page 16

1 A. Taft High School.
 2 Q. Graduate from Taft?
 3 A. Yes.
 4 Q. Any further education after high school?
 5 A. Yes.
 6 Q. Where did you go?
 7 A. CTC, Cincinnati Tech.
 8 Q. Did you graduate from Cincinnati Tech?
 9 A. No.
 10 Q. How many years did you go?
 11 A. A year and a half.
 12 Q. I would assume that you don't have any
 13 criminal record, no arrests or convictions. Is that
 14 correct?
 15 A. I do.
 16 Q. You do?
 17 A. Uh-huh.
 18 Q. What is that?
 19 A. I have assault.
 20 Q. When did that happen?
 21 MR. MARTINS: Objection.
 22 You may answer.
 23 A. I think '98. I'm not for sure.
 24 Q. Just briefly describe it. What happened?

Page 15

1 A. Beginning of 2000, like January, the end
 2 of January.
 3 Q. Do you remember having that job when Roger
 4 died?
 5 A. I didn't have it then.
 6 Q. When did Roger die?
 7 A. November 7th.
 8 Q. Of 2000?
 9 A. (Nodding head.)
 10 Q. Did you have that job when Roger died?
 11 A. Not just yet I didn't have that job.
 12 Q. Were you working when Roger died,
 13 somewhere?
 14 A. Yes.
 15 Q. Where?
 16 A. Nine West.
 17 Q. What is that?
 18 A. That's shoe, wholesale shoe department,
 19 distribution.
 20 Q. How long did you work there?
 21 A. Like a year.
 22 Q. Are you from the Cincinnati area?
 23 A. Yes.
 24 Q. Where did you go to high school?

Page 17

1 MR. MARTINS: Continuing objection.
 2 You may answer.
 3 A. An argument with a relative.
 4 Q. Argument with a relative?
 5 A. Uh-huh.
 6 Q. Were you convicted of assault or did you
 7 plead guilty or something like that?
 8 MR. MARTINS: Same objection.
 9 You may answer.
 10 A. Guilty of assault.
 11 Q. Was that through the Municipal Court or
 12 was that through the Common Pleas Court? What court
 13 did you go to?
 14 MR. MARTINS: Same objection.
 15 You may answer.
 16 A. I don't know which one it was.
 17 Q. What was the sentence?
 18 MR. MARTINS: Same objection.
 19 You may answer.
 20 A. Probation.
 21 Q. How long?
 22 A. It was six months.
 23 Q. What, did you hit the relative?
 24 MR. MARTINS: Objection.

13:30:30 1 don't attend there now.

13:30:39 2 Q. So you would take Myiesha there when you
13:30:43 3 went to work. And then would you pick her up when
13:30:45 4 you came home from work?

13:30:46 5 A. Correct.

13:30:47 6 Q. How much school did Myiesha miss after her
13:31:06 7 dad died?

13:31:06 8 A. About a week.

13:31:10 9 Q. Has she missed any school since that time?

13:31:16 10 A. No.

13:31:17 11 MR. FREUND: I don't have any further
13:31:32 12 questions.

13:31:34 13 MR. MARTINS: Concluded.

13:31:37 14 Signature.

13:31:37 15

13:31:37 16

13:31:37 17

13:31:37 18

13:31:37 19

13:31:37 20

13:31:37 21

13:31:37 22

13:31:37 23

13:31:37 24


12/22/07
DONNA MARIE TODD

(Deposition concluded at 1:31 p.m.)